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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Mongolia*

The present report is a summary of 18 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

A. Background and framework

1. National Human Rights Commission of Mongolia (NHRCM) stated that the Government had not ensured that the rights and freedoms guaranteed under the international human rights treaties, to which Mongolia is a state party, as well as the rights contained within the Constitution are fully protected. While the Government had undertaken significant legal and judicial reform, this reform had been done on an ad-hoc basis, which has caused a lack of harmonization between new legislation passed by Parliament. NHRCM also stated that a problem existed with the judiciary not applying international human rights treaties when making judicial decisions.[2]

2. NHRCM noted that there was not an effective human rights programme within public service, nor were there human rights criteria contained within public service recruitment and performance guidelines.[3]

B. Implementation of international human rights obligations

3. NHRCM noted the lack of an over-arching anti-discrimination law that prohibits discrimination on grounds of sex, disability, race, age and other prohibitive grounds covered by international treaties. In this connection, NHRCM expressed concern about discrimination on the basis of one's political views noting that often after an election is held, public servants are either dismissed or promoted based on their political views.[4]

4. NHRCM noted the enactment of the Law on Gender Equality in 2011, with the Government adopting a Mid-Term Strategy and Action plan in 2013 that would seek to implement the provisions contained within the law. Under the Law on Gender Equality, NHRCM is responsible for resolving complaints relating gender-based violence and discrimination, and carrying out the monitoring of the implementation of the Law. However, in most of the complaints relating to sexual harassment within the workplace, officials found to have committed sexual harassment were not held accountable, or were only fined a minimal amount of their salary, making the accountability system ineffective.[5]

5. More specifically, NHRCM expressed concern about discrimination faced by elderly people noting that the Government needs to ensure equal opportunities for the full participation of elderly people in the cultural and social aspects of society.[6] In addition, NHRCM noted the lack of legal protections to protect LGBT people from discrimination and harassment.[7]

6. NHRCM expressed concern about the closure of the Investigation Unit under the Prosecutor General, which was responsible for investigating acts of torture committed by law enforcement officials. In January 2014, all of the Unit's budget and resources were transferred to the Independent Authority Against Corruption, which has resulted in a system whereby law enforcement officials accused of committing acts of torture are being investigated by their peers.[8]

7. According to NHRCM, there is no current Mongolian legislation that allows victims of torture to seek compensation for psychological damage as a result of such crimes.[9]

8. NHRCM expressed concern about reports of threats made to human rights defenders noting that there are no legal protections to protect and support human rights defenders. In this connection, NHRCM recommended that the Government establish a legal environment that strengthens protections for human rights defenders.[10]

9. NHRCM noted that under current law, judges and prosecutors were given powers that are too broad in scope as they allow officials to detain suspects in pre-trial investigation periods without appropriate evidence.[11]

10. NHRCM also noted that people in detention were unable to speak in private to their lawyers as they were forced to meet in public meeting rooms within the prison where guards are present, and which are captured on close-circuit TV (CCTV).[12] NHRCM further noted that it had received a number of complaints from suspects, who had been repeatedly transferred from one detention centre to another, often in locations remote from their family, lawyers and investigative body.[13]

11. NHRCM stated that the legislative framework regarding the fight against trafficking allowed victims to claim compensation, including for psychological harm. However, there was no mechanism in this legislative framework that provides judicial guidance for judges when quantifying compensation for victims.[14]

12. NHRCM stated that some provisions of the 2004 Law against Domestic Violence were vague and other relevant laws had not been amended to ensure harmonization between the laws. As a result, there was no effective protection for victims of domestic violence. NHRCM also stated that shelter houses for women and children seeking protection from domestic violence only existed in Ulaanbaatar, which means that victims of domestic violence in the provinces were left without protection.[15]

13. NHRCM stated that it was common practice for military conscripts to forcibly carry out non-military activities, including labour. Prisoners were also forced to carry out unpaid or low-paid labour without consent.[16]

14. According to NHRCM, during the period 2011-2013, there were approximately 1,209 industrial accidents in the construction sector throughout Mongolia involving 1,280 people. Of this amount, 213 people lost their lives and 285 others were left disabled. These accidents were a direct result of inadequate enforcement of current occupational, health and safety regulations within the construction industry.[17]

15. NHRCM expressed concern that the Government distributed funding from the state budget to private schools and kindergartens, which are already adequately funded by high tuition fees, while public schools and kindergartens lacked the necessary investment to provide adequate facilities.[18]

16. According to NHRCM, the Government has still not established accessible environments for children with disabilities so that they can attend school like other children. There is a lack of professional teachers with specialist training in working with children with disabilities. Most children with disabilities are precluded from attending school, often staying at home and receiving no formal education. There is a lack of statistics available of the numbers of adults and children with disabilities in Mongolian society. Further, there is a lack of public awareness with regards to the rights of children with disabilities and the obstacles they face in receiving equal education.[19]

17. NHRCM noted that the right to live in a health and safe environment, the rights to health and land rights were being violated due to a lack of effective state policies that would regulate irresponsible mining activities.[20]

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations[21]

18. Joint Submission 3 (JS3) noted that Mongolia ratified the ICCPR-OP2, which took effect on 13 June 2012.[22] Joint Submission 2 (JS2) noted that preparatory work was underway to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and OP-CAT.[23] At the same time, JS2 stated that further measures should be taken to translate and promulgate the ratified conventions with a view to educating law enforcement officers to understand and apply them in practice.[24] Joint Submission 9 (JS9) noted that Mongolia became a state party to the Optional Protocol to ICESCR on 23 April 2010.[25]

2. Constitutional and legislative framework

19. JS9 noted that no tangible measures had been implemented to raise public awareness about the OP-ICESCR, to modify relevant legislation, to affirm economic, social and cultural rights, and to enhance knowledge and understanding of policymakers, legal and judicial institutions, as well as civil servants on the subject matter.[26]

3. Institutional and human rights infrastructure and policy measures

20. JS2 recommended developing the capacity of the National Human Rights Commission of Mongolia to carry out free and independent activity, revising the law that established it to comply with the Paris Principles, and setting greater priority on human rights knowledge in the selection criteria for Commissioners.[27]

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

21. JS9 noted that as part of implementing the recommendation received during the first cycle UPR, Mongolia submitted its overdue report to the Committee on Economic, Social and Cultural Rights in 2012.[28]

C. Implementation of international human rights obligations

1. Equality and non-discrimination

22. Amnesty International (AI) noted that there was currently no legislation to address discrimination across all categories and to guarantee the right to non-discrimination.[29]

23. Joint Submission 6 (JS6) positively noted the adoption of the Gender Equality Law prohibiting both direct and indirect discrimination based on gender.[30] JS6 however noted that there had been no instances of citizens using the Gender Equality Law to claim their rights, and that measures to raise public awareness about the Law had been insufficient.[31]

24. JS6 stated that the practice of discrimination against and mistreatment of women and girls in society still persisted. JS6 also noted that the prevailing practice of registering movable and immovable property in men's name prevented women from obtaining loans on collateral and from participating in economic life.[32]

25. LGBT Centre of Mongolia (LGBTCM) recommended that Mongolia enact an anti-discrimination law that explicitly prohibit discrimination on the basis of sexual orientation and gender identity/expression to provide effective legal protection for sexual and other minorities in Mongolia, and establish a mechanism of anti-discrimination law enforcement through specifically assigned and mandated offices.[33]

26. AI also noted with concern hostility and discrimination, particularly on the basis of gender identity or sexual orientation as there are no guarantees of protection on the basis of sexual orientation or gender identity in domestic law. AI further stated that although the reported number of attacks and harassment targeting lesbian, gay, bisexual, transgender and intersex (LGBTI) activists has decreased, the Government had not taken steps to fully implement the recommendations made in the previous UPR to prohibit discrimination against LGBTI individuals.[34]

27. Joint Submission 7 (JS7) stated that direct and indirect practices of discrimination against people living with HIV/AIDS in Mongolia still existed. In this connection, JS7 recommended that Mongolia adopt prompt and effective measures, as well as necessary legislation in order to explicitly ensure that there is no discrimination on the basis of HIV/AIDS status, and to strengthen individual's rights in the case of discrimination.[35]

28. JS6 also noted that complaints regarding violations of human rights and discrimination were not being adequately settled and no demonstrable results had so far been achieved expressing concern that people might lose faith in achieving a just settlement from a complaint.[36]

2. Right to life, liberty and security of the person

29. AI noted that the draft New Criminal Code submitted to the Parliament in July 2014 removed all provisions relating to the death penalty and includes a definition of torture in accordance with Article 1 of the CAT.[37]

30. AI also noted that in January 2010, the President of Mongolia announced a moratorium on executions and commuted the death sentences of all those who had appealed for clemency. No executions had been carried out since 2009. At the same time, AI highlighted the fact that the use of the death penalty remains classified as a state secret under the Law on State Secrets and the Law on the List of State Secrets. Families of those on death row, empty at present, are usually not notified in advance of the execution and the bodies of those executed are generally not returned to the family for burial. There are currently no initiatives to remove the classification of State Secrets.[38]

31. AI expressed concern about the use of torture and other ill-treatment particularly to obtain confessions. AI noted that police and prison guards suspected of torture and other ill-treatment of detainees at police stations and detention centers were not held to account.[39] AI further stated that currently there was no independent mechanism to investigate allegations of torture and other ill-treatment committed by the law enforcement officials. Despite accepting a UPR recommendation to strengthen the Special Investigation Unit (SIU) in the State General Prosecutor's Office, the Unit was disbanded in January 2014.[40]

32. JS3 stated that suspects and convicts were subjected to torture and other cruel, inhumane or degrading treatment in the form of imprisonment in security facilities located far from their homes, often in other provinces, and that they were being moved from one detention center to another resulting in psychological stress.[41]

33. According to JS3, there are no public programmes to prevent torture or other cruel, inhumane or degrading treatment through the education of law enforcement and other public officials. The continuing education curriculum of judges and lawyers does not include prevention of torture.[42]

34. LGBTCM stated that the LGBT community experienced widespread and pervasive harassment by law enforcement officials, which includes covert surveillance of known LGBT persons, keeping files on them, monitoring of LGBT social events, photographing/filming those in attendance, phone-tapping, arbitrary detention, intimidation, threats, physical and sexual assaults either by law enforcement or by other inmates on LGBT persons while in custody.[43]

35. Joint Submission 1 (JS1) noted that implementation of the Law to Combat Domestic Violence (LCDV) had been hindered by lack of direction regarding responsibility for carrying out specific provisions of the act, lack of harmonization between the law and related legislation, scarce resources, and lack of education about the law.[44] JS1 also noted that the draft revised LCDV introduced in Parliament in June 2014 addressed some of the problems but failed to address other important gaps and weaknesses. Whereas a significant improvement was that it broadens the scope of persons subject to the law to include divorced persons and persons who have never been married, some provisions of the draft had the potential to place victims of domestic violence in greater danger. Among the most troubling proposals were the elimination of civil protection order and an extremely broad provision mandating reporting of domestic violence to the police, which applies to all citizens and legal entities resulting in increased risk to victims. Perpetrators become even more angry and abusive when they learn that police have been notified.[45]

36. Moreover, JS1 stated that some police, prosecutors, judges, and social workers did not know about the LCDV and held harmful attitudes that promote preservation of the family over women's safety. As a result, instead of availing themselves of the LCDV's remedies, many women turned to divorce to escape domestic violence.[46]

37. According to JS1, the lack of enforcement and failure to impose sanctions for violating a restraining order is a key problem in the Government's response to domestic violence. Police officers tend to issue warnings or simply fail to respond when a perpetrator violates a restraining order. Without enforcement and proper sanctions, victims remain in danger.[47] In addition, JS1 noted that Mongolia lacked criminal and administrative provisions that specifically address domestic violence and the legal system does not effectively apply general laws to address the problem. In the majority of domestic violence cases, perpetrators go unpunished.[48]

38. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that in Mongolia, corporal punishment of children was unlawful as a sentence for crime and in schools, but was not prohibited in the home, alternative care settings and all forms of day-care or in penal institutions.[49] GIEACPC also noted that since the previous UPR review in 2010, prohibition of corporal punishment had been addressed in the context of a number of new draft laws, including a draft Criminal Law, a draft Family Law and a draft Child Protection Law. Parliamentary debate on the draft Criminal Law began early in 2014 and was expected to be resumed in the autumn of 2014.[50]

39. Mongolian Artisanal Miners' United Umbrella Association (MASM) noted that many children engage in artisanal mining despite the fact that the Government had issued a list of dangerous and hazardous work, prohibited for children under the age of 18.[51]

3. Administration of justice, including impunity, and the rule of law

40. Center for Human Rights and Development (CHRD) stated that judges did not comply with the principle of judicial independence when they settle environmental cases. It recommended that measures be undertaken to ensure the independence of judges' appointment process and of court decision-making process from political and high level authorities.[52]

41. Joint Submission 4 (JS4) noted that the Government had not ensured access to judicial and non-judicial redress to the population living in remote areas *(soums)* , especially nomadic herders impacted by mining and construction industries.[53]

42. Women's Association for Democracy and Justice in Mongolia expressed concern about lack of harmonization and clarity in laws, arbitrary and wilful actions of police and government officials, as well as lack of transparency in state agencies such as the Independent Authority Against Corruption in Mongolia, which lead to human rights violations.[54]

4. Right to privacy, marriage and family life

43. LGBTCM stated that the prejudice against LGBT persons severely impacted on their ability to live wherever they choose and to live together in relationship with their partners.[55]

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

44. Globe International Center (GIC) stated that the Government regulation on "A Unified System for Website Comments" obliged the Justice Minister to take measures to identify users who post comments that are deemed libellous, insulting, seductive, obscene and/or threatening in order to impose upon them legal liability.[56]

45. According to GIC, the Communications Regulatory Committee controls the content of news and information websites, content aggregators and suppliers.[57] GIC also stated that the Communications Regulatory Committee supposed to be independent from the Government was a government controlled body belonging to the Authority of Information Technology, Post and Communications. In this connection, GIC recommended that Mongolia amend the relevant laws to provide the Communications Regulatory Committee with full independence, public participation, transparency and public control.[58]

46. GIC noted that the Criminal Law included insult and libel as criminal offences. GIC also noted that the authorities used the law to disclose whistle-blowers and confidential sources and to threaten journalists and other citizens. GIC recommended that Mongolia repeal criminal defamation provided for in the Criminal Law.[59]

47. According to JS6, women's participation in higher level decision-making has increased with the number of elected women Parliament Members (MP) rising from 3 to 11 in 2012, following the 2008 elections. A Women's MP Group in the State Great Khural (Parliament) has also been established. However, in arenas other than the Parliament and in the private sector, notable improvements in women's participation are lacking.[60] The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE-ODIHR) also noted that women's representation in Mongolia's Parliament stood at only 14.9 per cent, which is significantly below the 1995 UN Beijing Platform for Action target of 30 per cent women in decision-making and below the Council of Europe recommendation for a minimum 40 per cent representation of women in parliaments and other elected assemblies by 2020.[61]

48. OSCE-ODIHR stated that the 26 June 2013 presidential election was characterized by a competitive campaign conducted in an environment that respected fundamental freedoms, although restrictive legal provisions prevented media from providing sufficient information to the voters. OSCE-ODIHR further observed that voters were able to cast their votes freely and voting was assessed positively in 99 per cent of the polling stations observed although the secrecy of the vote was not always ensured.[62]

6. Right to work and to just and favourable conditions of work

49. JS9 noted that due to the shortage of employment opportunities in the countryside, many rural residents migrated to the capital city, Ulaanbaatar, to work in the services sector, including construction, road building, public food catering sectors, and hotels. These workers did not conclude employment contracts with employers, and even if contracts were signed, they were not respected by employers. These internal migrants did not have a right to make contracts and demand the fulfilment of contract obligations. The Labour Law did not oblige employers to establish trade unions to protect the rights of employees.[63]

50. JS9 noted that big mining companies with a large number of employees violated employees' rights because existing legislation did not guarantee their right to form trade unions. JS9 specifically noted that in May 2014, Rio Tinto suddenly dismissed 300 employees from the *Oyu Tolgoi* mine but employees did not fight for the protection of their rights due to the absence of legal protection to do so. In this connection, JS9 recommended that Mongolia modify the Labour Law and other relevant legislation to include provisions requiring employers to allow the establishment of trade unions for protecting the rights of employees and prohibiting their violation.[64]

51. MASM noted that small-scale artisanal miners with insecure workplaces often spent days in risky conditions as they are compelled to move from one place to another and affected by violence. According to MASM, these miners are often beaten by security guards of mining companies and police, and become victims in terms of their lives, health conditions and loss of properties.[65]

7. Right to social security and to an adequate standard of living

52. According to AI, since 2007, many residents of the 7th Micro-District of Ulaanbaatar have been evicted from their homes without genuine consultation and access to appropriate legal protections. In some cases, the families were coerced or threatened by private construction companies and faced harassment such as the cutting of electricity and water supplies on a regular basis.[66]

53. JS9 noted that almost 30 per cent of the overall population was poor and unable to maintain the daily intake level of essential nutrients and satisfy their basic daily needs.[67]

54. According to JS9, monitoring of the quality of food products, food-hygiene, packaging and expiration dates, is inadequate. Uncertainty as to the reliable source of information about food is caused by such factors as weak capacity of the food quality control laboratory, a very few accredited laboratories, and lack of an autonomous laboratory to perform independent analysis.[68]

8. Right to health

55. LGBTCM noted that there was a lack of understanding of sexual minorities among healthcare providers, as well as a lack of understanding of the attendant physical and psychological problems the LGBT community face as a result of sexuality-related trauma.[69]

56. JS7 noted that the multi-sector approach had made significant progress in increasing HIV prevention, in increasing the availability and accessibility of voluntary testing and treatment throughout the country, and in providing training to medical service providers and doctors.[70]

57. MASM stated that health care workers in rural areas did not have the capacity to prevent, identify symptoms of mercury poisoning, and to diagnose and treat miners suffering from it.[71]

9. Right to education

58. JS9 noted that the "Afternoon Tea Programme" targeting primary school students had a positive contribution to reducing the school dropout rates of children from poor families. JS9 also noted that due to currency depreciation and inflation, the cost of one tea-set fell to USD 0.30, which lead to the need to assess whether the food bought at this price meets established nutrition requirements.[72]

10. Persons with disabilities

59. Joint Submission 5 (JS5) stated that a number of laws related to persons with disabilities had been modified but the new decrees and regulations had failed to conform to the principles of the Convention on the Rights of Persons with Disabilities (CRPD).[73]

60. JS5 noted that the Mongolian courts used the legal documents published in the "Government News" magazine as its legal basis. Despite Mongolia's ratification of the CRPD in 2009, it had yet to be published in the magazine, which precludes its usage in the court.[74]

61. JS5 also noted that a division in charge of persons with disabilities was established in the Ministry of the Population Development and Social Protection. However, the division had insufficient authority to make inter-sectoral coordination and suffered from a shortage of funds.[75]

62. JS5 stated that measures taken to increase awareness about disability rights at all levels of society, including the family level, were not sufficient. The perception of persons with disabilities as receivers of benefits from the state and subjects of healthcare and social welfare services still persisted among the general public and in legal documents.[76]

63. Further, JS5 noted the adoption of a Plan of Action to Implement the CRPD 2013 – 2016, the benefits of which had not been felt by persons with disabilities yet, but it was believed that it would produce results in the future.[77]

64. JS5 noted that there were no special laws against discrimination in Mongolia. Persons with disabilities did not realize that they were being subjected to discrimination. Further, the practice of adopting legal documents discriminating against persons with disabilities continued to persist.[78]

65. According to JS5, up to 45.9 per cent of persons with disabilities are women. However, there is no set precedent for giving special consideration to disabled women when implementing policies and decisions regarding persons with disabilities and when providing them with services. Policies and services respecting the distinct needs of women with disabilities and that meet their capabilities and potential are lacking. In particular, there are no policies, plans, actions and/or services which promote their reproductive rights, the right to be free from violence, to work, receive education or to participate in decision-making.[79]

66. According to JS5, standards and other necessary documents aimed at ensuring accessibility for persons with disabilities to public transportation, buildings and other facilities have been adopted. However due to the weak implementation mechanism and vaguely defined accountability measures, the implementation of these requirements is insufficient.[80]

67. JS5 stated that a national programme to support employment opportunities for persons with disabilities was being implemented. The laws and budget spending appeared to support the employment of persons with disabilities. However, effective policies, actions and methods aimed at preparing and training persons with disabilities for work, engaging with employers and providing them with compensation were lacking.[81]

68. JS5 recommended that Mongolia further clarify the legal provisions aimed at increasing the accessibility of polling stations and election campaigns and ensure their sustained implementation with a view to promoting the right of persons with disabilities to vote.[82] JS5 also noted that the implementation of the rights of persons with disabilities to be elected and to participate in decision-making was highly insufficient. There were no persons with disabilities elected to the Parliament and there were very few disabled people who work in government organizations, including local governments.[83]

69. JS5 also stated that social welfare services were based on the "hospital" model, which treats persons with disabilities as sick people who receive state benefits and services. There was a need to change this perception to ensure that social welfare services are based on human rights, are respectful of the human person, and serve the needs of persons with disabilities.[84] JS5 also noted the method of establishing disability according to the loss of working ability. In this connection, JS5 recommended the abolition of such a method, devising a new list of categories of persons with disabilities, and properly aligning social welfare services with individual conditions.[85]

70. JS5 further stated that apart from the fact that very few children with disabilities have access to inclusive education, schoolbooks and methods used by teachers to educate these few children were highly inadequate. Despite steps being taken to entitle teachers to provide inclusive education in general education schools and provide teachers with compensation, no visible results had been so far achieved. Actions had not been taken to train teachers and create conditions in schools that would meet the needs of children with disabilities.[86]

11. Minorities and indigenous peoples

71. JS4 stated that law did not reinstate pastoralists' rights recognized under customary law. National legislation did not protect the rights of nomadic herders to their pasture, hay land and water sources, winter camps as their home property. There was no mechanism for valuation of these assets, compensation in case of taking land for public purpose or extraction of minerals.[87] In this connection, JS4 recommended that Mongolia invite the Special Rapporteurs on Indigenous Peoples and on internally displaced persons to find legal solutions to recognize customary rights to traditional resources of land-based nomadic population.[88]

72. Joint Submission 8 (JS8) noted that *Dukha* had been periodically arrested and jailed for crossing the remote high mountain border with Russia in order to visit their relatives. In this connection, JS8 recommended that the right to cross-border travel should be researched for proper legal assessment and implementation of policies and practices that can both ensure border security while allowing the *Dukha* to meet their trans-border relations without harm, injustice and penalty.[89]

73. JS8 noted follow-up actions to the President's Proclamation on the *Dukha (Tsaatan)*, which include better access to free health-care. JS8 also stated that herder and their families could now obtain check-ups and health care advice twice annually at the regional *soum* centre hospital in *Tsagan Nuur*. However, transportation in and out of their remote mountainous territories remained challenging for many due to the distance.[90]

74. JS8 expressed concern that *Dukha* elementary students are being taught only in Mongolian language and their native language is severely threatened in the younger generation.

75. JS8 stated that conflicts regarding the use of natural resources, including native game wildlife, continued, which needs to be addressed comprehensively with an eye towards safeguarding and advancing the ethnic culture and lifestyle of the *Dukha (Tsaatan)* and other hunter-gatherer nomads.[91]

76. According to JS8, many of the mining licenses that underlay the entire traditional territory of the *Dukha* in northern Mongolia were sold or established to private ethnic Mongolian business men by the Mongolian Government shortly following Mongolia's independence and to this day. The vast majority of these licenses were obtained without any free, prior or informed consent of the *Dukha*. Other ethnic minorities and nomadic herders have faced the same problem from the corporate mining interests with both legal and illegal licensing of underground mineral rights.[92]

12. Migrants, refugees and asylum seekers

77. AI stated that in May 2014, two asylum-seekers from the Inner-Mongolia Autonomous Region of the People's Republic of China were deported back, even though at least one of them was in the process of having their claim for refugee status determined by Office of the United Nations High Commissioner for Refugees (UNHCR), in violation of the principle of *non-refoulement*.[93]

13. Right to development, and environmental issues

78. JS4 recommended that Mongolia legislate to protect fundamental rights to land and access to livelihood-earning property and pasture for both urban and rural population guaranteed by the Constitution.[94]

79. JS4 noted that herders were extensively impacted by mega-size *Tavan Tolgoi* and *Oyu Tolgoi* mines. In addition to fragmenting pastures by the railroad and temporary roads, dozens of companies were mining in pastures and river beds without environmental and social impact assessment, which has resulted in absence of protection in the form of resettlement, compensation and livelihood restoration programmes for hundreds of nomadic households.[95]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain & Northern Ireland);
CHRD	Center for Human Rights and Development, Ulaanbataar (Mongolia)
GIC	Globe International Center, Ulaanbaatar (Mongolia);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain & Northern Ireland);
LGBTCM	LGBT Centre of Mongolia, Ulaanbaatar (Mongolia);
MASM	Mongolian Artisanal Miners' United Umbrella Association, Ulaanbaatar (Mongolia);
WADJM	Women's Association for Democracy and Justice of Mongolia, Ulaanbaatar (Mongolia).

Joint submissions:

JS1	Joint submission 1 submitted by: National Center Against Violence, Ulaanbaatar (Mongolia); and Men and Healthy Families, Ulaanbaatar (Mongolia);
JS2	Joint submission 2 submitted by: Gender Equality Centre Against Violence, Ulaanbaatar (Mongolia); Centre for Human Rights and Development, Ulaanbaatar (Mongolia); National Center Against Violence, Ulaanbaatar (Mongolia); and Global Meridian, Ulaanbaatar (Mongolia);
JS3	Joint submission 3 submitted by: Law Center, Ulaanbaatar (Mongolia); Human Rights Centre, Ulaanbaatar (Mongolia); Ecology Centre, Ulaanbaatar (Mongolia); Mongolian Men's Association, Ulaanbaatar (Mongolia);
JS4	Joint submission 4 submitted by: OT Watch, Ulaanbaatar (Mongolia); Centre for Human Rights & Development, Ulaanbaatar (Mongolia); Steps without Borders, Ulaanbaatar (Mongolia); and Lawyers for Environment, Ulaanbaatar (Mongolia);
JS5	Joint submission 5 submitted by: Association of Persons with Disabilities, Ulaanbaatar (Mongolia); National Association of Mongolian Organizations of Persons with Disabilities, Ulaanbaatar (Mongolia); Mongolian National Federation of Disabled People's Organizations, Ulaanbaatar (Mongolia); Mongolian National Federation of the Blind, Ulaanbaatar (Mongolia); Mongolian National Association of Wheelchair Users, Ulaanbaatar (Mongolia); Universal Progress Independent Living Center, Ulaanbaatar (Mongolia); Business Incubator Center, Ulaanbaatar (Mongolia); Association of Parents with Disabled Children, Ulaanbaatar (Mongolia); and Aivuun, Ulaanbaatar (Mongolia);
JS6	Joint submission 6 submitted by: Global Meridian, Ulaanbaatar (Mongolia); Gobi Soil, Ulaanbaatar (Mongolia); Center for Child Rights and Protection, Ulaanbaatar (Mongolia); Mongolian Association of the Deaf, Ulaanbaatar (Mongolia); Human Rights Center for Citizens, Ulaanbaatar (Mongolia); Mongolian Women's Employment Support Federation, Ulaanbaatar (Mongolia); and Psychological Reponsiveness Center, Ulaanbaatar (Mongolia);
JS7	Joint submission 7 submitted by: Youth for Health Center, Ulaanbaatar (Mongolia); Psychological Responsiveness, Ulaanbaatar (Mongolia); Human Right & Youth –Health Support Center, Ulaanbaatar (Mongolia); Positive Life, Ulaanbaatar (Mongolia); New Positive Life, Ulaanbaatar (Mongolia); Mongolian Family Welfare Association, Ulaanbaatar (Mongolia); and Together Center, Ulaanbaatar (Mongolia);

JS8	Joint submission 8 submitted by: Totem Peoples Preservation Project, New York (United States of America); and Nomadicare, Middlebury, Vermont (United States of America); and Cultural Survival, Cambridge, Massachusetts (United States of America);
JS9	Joint submission 9 submitted by: Steps Without Borders, Ulaanbaatar (Mongolia); Center for Human Rights and Development, Ulaanbaatar (Mongolia); and Mongolian Men's Association, Ulaanbaatar (Mongolia).

National human rights institution(s):

NHRCM	National Human Rights Commission of Mongolia*, Ulaanbaatar (Mongolia).

Regional intergovernmental organization(s):

OSCE-ODIHR	Office for Democratic Institutions and Human Rights (ODIHR), Organization for Security and Cooperation in Europe (OSCE), Warsaw (Poland).

[2] NHRCM, para. 3.
[3] NHRCM, para. 17.
[4] NHRCM, paras. 19 – 20.
[5] NHRCM, para. 12.
[6] NHRCM, para. 24.
[7] NHRCM, para. 25.
[8] NHRCM, para. 4.
[9] NHRCM, para. 8.
[10] NHRCM, paras. 25 – 26.
[11] NHRCM, para. 5.
[12] NHRCM, para. 6.
[13] NHRCM, para. 7.
[14] NHRCM, para. 16.
[15] NHRCM, paras. 13 – 15.
[16] NHRCM, para. 9.
[17] NHRCM, para. 11.
[18] NHRCM, para. 18.
[19] NHRCM, para. 22.
[20] NHRCM, para. 10.
[21] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD

ICPPED International Convention for the Protection of All Persons from Enforced Disappearance.

[22] JS3, para. 3.
[23] JS2, para. 6.
[24] JS2, para. 7.
[25] JS9, para. 4.
[26] JS9, para. 4.
[27] JS2, para. 22.
[28] JS9, para. 4.
[29] AI, p. 3.
[30] JS6, para. 3.
[31] JS6, para. 5.
[32] JS6, para. 8.
[33] LGBTCM, p.p. 4 – 5.
[34] AI, p. 3.
[35] JS7, paras. 12 and 16.
[36] JS6, para. 14.
[37] AI, p. 1.
[38] AI, p. 2.
[39] AI, p. 2.
[40] AI, p. 2.
[41] JS3, para. 6.
[42] JS3, para. 7.
[43] LGBTCM, p. 2.
[44] JS1, para. 9.
[45] JS1, paras. 10 – 11.
[46] JS1, para. 13.
[47] JS1, para. 17.
[48] JS1, para. 18.
[49] GIEACPC, para. 2.1.
[50] GIEACPC, para. 1.2.
[51] MASM, para. 15.
[52] CHRD, para. 5.
[53] JS4, para. 18.
[54] WADJM, p. 1.
[55] LGBTCM, p. 2.
[56] GIC, p. 3.
[57] GIC, p. 3.
[58] GIC, p. 4.
[59] GIC, p. 5.
[60] JS6, para. 7.
[61] OSCE-ODIHR, p. 3.
[62] OSCE-ODIHR, p. 1.
[63] JS9, para. 18.
[64] JS9, para. 20.
[65] MASM, para. 11.
[66] AI, pp. 2 – 3.
[67] JS9, para. 7.
[68] JS9, para. 14.
[69] LGBTCM, p. 2.
[70] JS7, para. 7.
[71] MASM, para. 14.
[72] JS9, para. 8.
[73] JS5, para. 7.
[74] JS5, para. 9.
[75] JS5, para. 15.

[76] JS5, para. 46.
[77] JS5, para. 4.
[78] JS5, para. 61.
[79] JS5, para. 50.
[80] JS5, para. 19.
[81] JS5, para. 27.
[82] JS5, para. 58.
[83] JS5, para. 57.
[84] JS5, para. 35.
[85] JS5, paras. 36 - 39.
[86] JS5, para. 42.
[87] JS4, para. 13.
[88] JS4, para. 16.1.
[89] JS8, pp. 4 – 5.
[90] JS8, p. 3.
[91] JS8, p. 4.
[92] JS8, p. 5.
[93] AI, p. 3. See also JS3, para.11.
[94] JS4, para. 10. 1
[95] JS4, para. 6.